IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

J U D G M E N T

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.350/2007.
In
S.B. CIVIL WRIT PETITION NO.2970/2006.

State of Rajasthan and ors.
Vs.
Shiv Charan Singh

Date of Judgment:- August 3, 2007.

HON'BLE THE ACTING CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Harvhvardhan Nandvana Deputy Government Advocate for the State-appellants.
Mr. Anurag Sharma for the respondent.

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BY THE COURT (Per: Mr.J.M. Panchal, Actg.CJ.):

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The instant appeal filed under Section 18 of the Rajasthan High Court Ordinance, 1949 is directed against that part of the judgment dated December 12, 2006 rendered by the learned Single Judge in S.B. Civil Writ Petition No.2970/2006 by which the appellants are penalised with the cost of Rs.10,000/-. S.B. Civil Writ Petition No.2970/2006 was filed by the respondent with a prayer to direct

the appellants, particularly appellant No.3 to decide the matter pending before him as directed by the Board of Revenue vide order dated November 25, 1991. The learned Single Judge noticed that the direction given by the Board of Revenue by order dated January 2, 1988 was not complied with for a period of more than 15 years and no explanation was offered as to why the matter could not be decided by the Additional Collector (Stamps) Karauli as per the said order passed by the Board of Revenue. Under the circumstances, while allowing the petition filed by the respondent, the learned Single Judge directed the appellants to pay sum of Rs.10,000/- to the respondent towards cost which has given rise to the instant appeal.

2) This Court has heard learned counsel for the parties.

3) Mr.Anurag Sharma, learned counsel for the respondent states at the bar that the order is already complied with by the appellants and, therefore, the appeal should not be entertained.

The statement made at the bar by the learned counsel for the respondent is not disputed by the learned counsel for the appellants. As the direction given by the learned Single Judge to the appellants to pay cost of Rs.10,000/- to the respondent is complied with, this Court is of the opinion that the instant appeal has become infructuous. Even otherwise, for a pretty long time of more than 15 years, the order passed by the Board of Revenue was not complied with. Therefore, this Court is of the opinion that the learned Single Judge was justified in penalising the appellants with costs. Under these circumstances, the court does not find any substance in the appeal and the appeal deserves to be dismissed summarily.

For the foregoing reasons, the appeal fails and is summarily dismissed.

(MOHAMMAD RAFIQ), J. **(J.M. PANCHAL), Actg. CJ.**

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